

REMARKS

Overview

In the Office Action under reply, claims 1-15, 18, 19, and 21-35 were examined, claims 16, 17, and 20 having been canceled previously. The claims stand rejected as follows:

- (1) claims 24 and 32-35 are rejected under 35 U.S.C. §112, second paragraph; and
- (2) claims 1-15, 18, 19, and 21-35 are rejected under 35 U.S.C. §103(a) as unpatentable over Choi, US 2003/0091928 ("Choi") in view of Houlihan et al., US 2004/0265733 ("Houlihan").

The rejections are overcome in part by the amendments made herein, and are otherwise traversed for at least the reasons set forth below.

Claim amendments

With the amendments made herein, claim 1 has been amended to recited that L³ is directly attached to an olefinic carbon. This amendment is supported, *inter alia*, by formula (III) in paragraph [00058] of the original specification, which shows L³ directly attached to a backbone carbon. As described in more detail infra, the skilled artisan would understand that the backbone carbons in formula (III) are olefinic carbons in the monomer compound. Accordingly, no new matter is added by this amendment.

Rejection under 35 U.S.C. §112, second paragraph

Claims 24 and 32-35 stand rejected under 35 U.S.C. §112, second paragraph, as "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention" (Action at page 2).

The Action states that formula III is indefinite in claim 24 because the definition of L³ has been deleted from the claim. Applicants note that claim 24 is dependent upon claim 1, and that claim 1 has a definition of L³. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 1-15, 18, 19, and 21-35 stand rejected under 35 U.S.C. §103(a) as unpatentable over Choi in view of Houlihan. In light of the amendment made herein, this rejection is traversed.

The Action states that

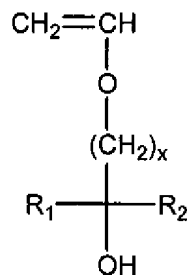
the rejection is repeated based on the claims being given the broadest reasonable interpretation such that R^H as defined can be met by the prior art of CHOI et al if after the heterocyclic atom portion of CHOI et al is seen to be the pendant group in CHOI et al and thus meets the defined polymer in claim 1.

(Action at 5.)

Choi is directed to photosensitive polymers having the structure of formula 2:



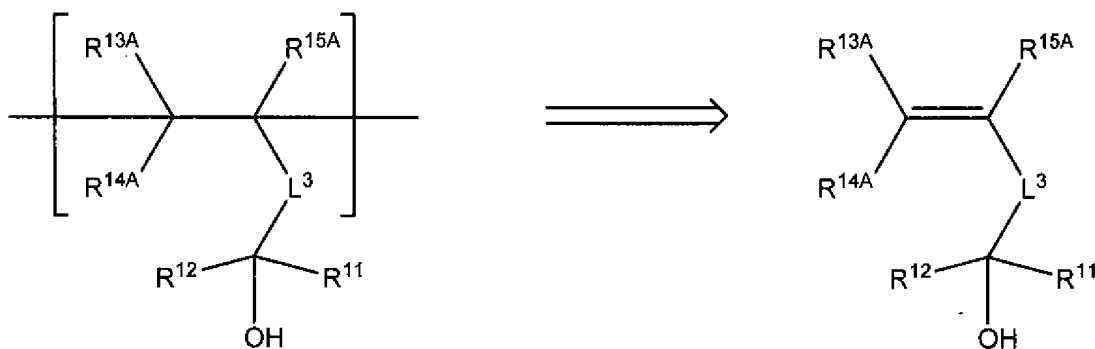
The skilled artisan would immediately recognize that monomer units corresponding to Choi's formula (2) would be derived from compounds having the following formula:



Thus, the compounds of Choi have a heteroatom attached directly to an olefinic carbon.

In contrast, and as amended, the instant claim 1 requires that L^3 is directly attached to an olefinic carbon. Since L^3 is selected from alkylene, substituted alkylene, alicyclic, fluoroalicyclic, and combinations thereof, the compounds of the instant claims do not allow for a heteroatom attached directly to an olefinic carbon as part of L^3 . The compounds of Choi therefore do not have a structure that is encompassed by applicants' R^H .

Applicants note that the amendment to claim 1 is supported, for example, by formula (III) in paragraph [00058] of the original specification. Although formula (III) does not show an olefin, the skilled artisan would understand that monomer units having the structure of formula (III) would be derived from an olefinic species according to the following retrosynthetic scheme:




Accordingly, the skilled artisan would immediately recognize that monomer units having the structure of formula (III) would be derived from olefinic species having L³ attached directly to an olefinic carbon atom.

In light of the foregoing arguments and the amendment to the claims, applicants respectfully request withdrawal of the rejection.

CONCLUSION

Applicants submit that the claims of the application are in condition for allowance. Applicants respectfully request withdrawal of the rejections, and prompt issuance of a notice of allowance. If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, a telephone call to the undersigned would be welcomed.

Respectfully submitted,

By: 
Isaac M. Rutenberg
Registration No. 57,419
c/o MINTZ LEVIN
5 Palo Alto Square, Floor 6
3000 El Camino Real
Palo Alto, California 94306-2155
(650) 251-7700 Telephone
650) 251-7739 Facsimile
Customer No. 23,980